

BOARD OF SUPERVISORS

Brown County



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**LAND CONSERVATION SUBCOMMITTEE**  
Norbert Dantine, Jr., Chair  
Dave Kaster, Vice Chair  
Bernie Erickson, Dave Landwehr, Tom Sieber  
Citizen Rep: Vacant

**LAND CONSERVATION SUBCOMMITTEE**  
**Monday, August 28, 2017**  
**6:00 PM**  
**Room 200, Northern Building**  
**305 E. Walnut Street**

**NOTICE IS HEREBY GIVEN THAT THE COMMITTEE MAY TAKE ACTION ON ANY ITEMS LISTED ON THE AGENDA**

**\*\*NOTE LOCATION\*\***

- I. Call Meeting to Order.
- II. Approve/Modify Agenda.
- III. Approve/Modify Minutes of July 24, 2017.
- IV. Discussion re: upcoming meeting locations, dates and times.

**Comments from the Public**

**Land Conservation Department**

1. Departmental Openings Summary.
2. Budget Status Financial Report for July 2017.
3. Manure Storage Alternatives.
4. An Ordinance Amending Subsection 26.11(4) of Chapter 26 of the Brown County Code of Ordinances.

**Other**

5. Such Other Matters as Authorized by Law.
6. Adjourn.

Norb Dantine, Jr., Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda.

Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

**PROCEEDINGS OF THE BROWN COUNTY  
LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the Brown County Land Conservation Subcommittee was held on Monday, July 24, 2017 in Room 200, Northern Building, 305 E. Walnut St., Green Bay, WI

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**Present:** Supervisors Norbert Dantine, Dave Kaster, Dave Landwehr, Bernie Erickson, Tom Sieber  
**Vacant:** Citizen Rep  
**Also Present:** County Conservationist Mike Mushinski, Agronomist Technician Nick Peltier and other interested parties

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**I. Call Meeting to Order.**

The meeting was called to order by Chairman Dantine at 6:00 p.m.

**II. Approve/Modify Agenda.**

**Motion made by Supervisor Kaster, seconded by Supervisor Erickson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**III. Approve/Modify Minutes of June 26, 2017.**

**Motion made by Supervisor Landwehr, seconded by Supervisor Sieber to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Comments from the Public**

**Communications**

- 1. Communication from Supervisor Van Dyck re: Request a review of the permitting process for manure pits in Brown County and a specific review and discussion of the proposed manure pit in the Town of Ledgeview including jurisdiction of Brown County. Request that Corp Counsel be in attendance as well as representation from the DNR. *Referred from July County Board.***

Supervisor John Van Dyck thanked the representatives from Land Con and DNR for coming to provide information, he was not aware of this until Julys County Board. He wasn't sure what jurisdiction the county had but knew it was a country matter and the farm had been there for many years. He grew up and still lived in the country so he understood farming and that when you moved out there you took that into consideration, however, he believed that when a farm put a petition in to change the farm or operation, it opened the door for reconsideration, it may not continue to fit in the neighborhood or country at that time.

County Conservationist Mike Mushinski informed the requirements by Brown County ordinance regarding animal waste storage were very specific; i.e. each property owner is required to meet setbacks from wells, property lines, designs, etc. and they were consistent for each landowner no matter the facility or township in Brown County. They followed Natural Resources Conservation Service (NRCS) and federal standards and were reviewed by Department of Ag as far as their engineering went. They administered a couple hundred animal waste and feedlot permits in the last 10 years. This case was a very challenging situation because they had two very diverse land uses right next to each other and hopefully there were some alternatives they could come up with.

Brown County Deputy Corporation Counsel Greg Gerbers stated Brown County's responsibility through ordinance was to make sure they uniformly apply the ordinance to the farm. If the farm and the plan complied with Brown County's and the DNR's standards, he believed the permitting had to go through. The county didn't have much right to not uniformly apply those standards to someone constructing a permit if they met the standards.

With regard to the permitting process, Mushinski informed they were in the middle of gathering information. They didn't have an official design to take to DATCP for approval. Responding to Sieber, the ones this committee reviewed and approved were only if there were setback issues. If all the requirements were met, it wouldn't come before this committee.

Heidi Schmitt Marquez, an agricultural runoff management specialist with the DNR assigned to Brown County for large concentrated animal feeding operations and the permitting process, reiterated that they did not have a complete application in for this particular site. At this time so they were trying to work with the farm to get the necessary information so they could do a complete review. She had conducted a site inspection last week to try to be proactive and move the process forward. They had not yet received a set of final plans and specs for the proposed storage facility and couldn't comment on anything specific until after they conduct a review.

Kaster questioned if the farm was looking at other sites to build the proposed storage facility. As far as Schmitt Marquez was aware, they were looking at the farm they currently owned on Dickenson and Lime Kiln. There was a smaller location a little ways north and that comprised the complete farm site.

Landwehr questioned if the pit was in conjunction with an expansion of the farms number of cattle. Schmitt Marquez informed the original application submitted did indicate an increase but it was part of the application that was incomplete because they needed update information, it was possible.

Van Dyck stated they heard from the county and questioned who had final say; Schmitt Marquez stated the DNR had authority over citing requirements for waste storage facilities which included setbacks to private wells and separation distance to bedrock and groundwater. Provided that the facility submitted proposed plan and spec submittal that met those setback requirements they didn't have the authority to deny it if it met all those criteria. In terms of size of the farm, as long as the farm could demonstrate through their nutrient management plan that they had sufficient acreage for land application of the additional waste generated by the additional animals then they were obligated to approve that submittal with the Nutrient Management Plan. They had Nutrient Management Plan reviewers that reviewed those plans and acreage and made sure that what was being submitted wasn't also included in another farms plan that those acres do match up and were legitimate.

Sieber questioned if there was a citizen input process involved in siting a manure pit? Schmitt Marquez indicated that they had a public notice and potential for public hearing through the permitting process itself, not typically with the placement or approval of specific waste storage facilities at a farm. When the permit was ready for issuance it will get public noticed in the local paper and because of the public interest, the DNR had the ability to go ahead and schedule a public hearing along with public noticing of permit rather than waiting for requests to come in. That would allow for the public to provide comments for the record on the permitting process for this facility. A DNR contact person can be found on the DNR website and it's based off of the specific county where the facility was located. People could call her with questions and related concerns and she could explain more about the process and provide additional information about how the DNR reviewed and considered this information but she reiterated that the public hearings were limited to the permit process itself, not a specific proposal.

Landwehr stated that with a typical manure pit there were many ways they could construct it and there was a clay or manmade liner. In order for this type of facility to be approved, it had to demonstrate that it was going to be able to protect from any seepage into the groundwater. Schmitt Marquez added, that's why they had a specific minimum setback distances from the bottom of the pit to the bedrock depth and the groundwater level, to try and protect contamination of the groundwater aquifers. Landwehr stated that a pit like this where people may have environmental concerns, a big reason for the pit and the expansion was so that they could protect the environment or by having a larger facility so they could reduce the number of spreading they needed to do a year or be able to time it for more optimal conditions, dryer times of the year verses winter spreading. Schmitt Marquez agreed, additional storage provided the farm with flexibility in terms of timing of the spreading, they can wait until they can get out on the fields when they were drier and they wouldn't have to haul on a daily basis, they could reduce it to a couple weeks a few times a year rather

than very frequent hauling episodes many times a year.

Dantinne questioned if they looked strictly at the pit and how it's built or at past practices of individuals to see if they were operating properly. Schmitt Marquez informed that it was part of the permitting process. When a facility wanted to apply for a permit the first time they had to go over a number of reviews for the site to make sure they were in compliance with their code requirements before they could issue the permit. If there were noncompliance issues that had to be dealt with, they worked with the farm to resolve those before the permit can be issued. If there were items that had to be dealt with moving into the permit term, they utilized vertical compliant schedules and the permit to make sure that those items were resolved in a timely manner over the permit term. They do look both specifically at the waste storage facilities that were proposed to be built, the existing waste storage facilities and the inspection assesses the current conditions and practices of the farm while they are out there through the permitting process. The farm did currently have a waste storage facility onsite. Dantinne questioned if the DNR took that into consideration and questioned if expanding that pit was an option. Schmitt Marquez informed that they took the existing storage into consideration when assessing whether or not the farm needed to construct additional storage. They had to have a minimum of 180 days of storage onsite, which was part of the permit requirements. Existing storage would be taken into account from that standpoint. They could have discussions with the farm if they were considering different locations onsite or if they had questions about one placement or possible expansion of a waste storage facility. It was not an option that was currently explored; they would have to take a look at the actual site where the current storage facility was located and potentially do soil born to see what was there and assess whether or not that was an appropriate use for that particular site.

Replying to Van Dyck, Schmitt Marquez informed that part of the permitting process was to evaluate existing structures in addition to asking for plans and specs for any proposed structures to be built. Existing structures required an evaluation that was signed off by a professional engineer. Through that evaluation process, if it was discovered that additional items needed to be performed on that storage facility or it needed a certain upgrade to meet current requirements, the something the DNR had the authority to require of the farms as part of the permitting process and for proposed facilities, if they review the plans and specs and find that additional changes or upgrades were needed in order to approve those plans and specs for the proposed storage facility, that was something they could also require under their authority. Van Dyck questioned if a large residential area on the edge would come into play? Schmitt Marquez stated they didn't typically consider land use as part of the reviews for the waste storage facilities, setbacks applied to private wells, community wells and the additional setbacks that the engineers take a look at but land use changed and different kinds of zoning was not something that was under the state's authority through DNR. Van Dyck questioned if they took into consideration any ramifications if the facility should fail or what was in the general vicinity that could be affected by that. Schmitt Marquez stated they hoped that they don't fail, provided that's why they ask for the evaluation of existing structures to make sure they are in sound condition and for plans and specs of proposed facilities, that's why they went through a Plan Review Engineer process through the DNR to make sure they were approved and built in such a way that they will not fail. If something happened the farm was responsible for any discharge of manure or process waste water that occurred as a result of the waste storage failure and they were responsible for cleaning that up and for also fixing the waste storage facility, whatever caused that failure?

Erickson stated the area was sited, not approved and they were still working on approvals. Everything up to this point was completely legal according the DNR and the county. A county attorney spoke and the impression he got was this committee and the County Board had no authority over the siting of the DNR and the way the ordinances were written. It was a strange situation right now with urban sprawl and agricultural tending to collide and survive in the same locations.

**Motion made by Supervisor Erickson to send this back to staff, have them look at it again, discuss it with the DNR, and have staff go back to the farm that's looking to site the manure pit and see if there were some alternatives or if it could be moved back further and bring it back to next month's meeting.**

Erickson's original intent of the motion was to come back in 30 days to allow comments from the public. He explained that if this went into the approval process for the siting, then there was a public hearing point with the DNR where this could be brought forward, if it was sited they could come back to this committee and

speak but the problem was, once it was sited, everything was within its legal area. He didn't know exactly where this was going to go. They had been through this numerous times with different things and it was an unfortunate situation.

Landwehr questioned what they were sending back; Schmitt Marquez informed the application for the permit was incomplete. They submitted information but they needed additional information to complete the application. Landwehr questioned what Van Dyck would like them to do with the communication. Van Dyck believed that from the county's perspective, as long as the farm met their setback requirements and they were not asking for a variance, it would never appear before this committee or the County Board and will not be involved in this process in all likelihood. He asked and it was up to the DNRs discursion, to have a hearing at the point where the permit was going to be issued, a lot of work had gone into the process by that point in time and seemed to be a done deal and would question the point of a public hearing at that point. Prior to that would be helpful in getting the people's feelings and concerns and hopefully it could be taken into consideration or discussed with the farmer. To him it would be more beneficial to hear the concerns at the front end before getting to the end of the process when it may not be worth anyone's time. Schmitt Marquez responded, they could consider having a public informational type of hearing prior to the public noticing of the actual permit. He felt to have people speak tonight, which was the prerogative, he didn't know it would accomplish anything since this body was not the one that was going to be able to make the final decision anyway and those efforts were better directed at the DNR and hopefully swaying them as far as how this ultimately was resolved. Erickson agreed with Van Dyck and referred to his motion while suggesting modifications. He'd say open the floor right now and have the hearing but he didn't think that was appropriate because they wanted to have people from the DNR recording things.

**Motion made by Supervisor Erickson, seconded by Supervisor Sieber to send this back to staff, have them look at it again, discuss it with the DNR, and have staff go back to the farm that's looking to site the manure pit and see if there were some alternatives, such as see if it could be moved back further and open a public hearing on their concerns before an approval on this permit is granted. Vote taken. MOTION CARRIED UNANIMOUSLY**

Dantinne informed, everyone was telling the committee they had no authority here but members of the public came to talk so they will open the floor to hear their comments but asked that they hold questions for the public informational meeting. Schmitt Marquez informed that in relation to waste storage facilities they had Plan Review Engineers in Madison that reviewed the plans and specs and could speak more eloquently and informatively on the exact engineering requirements for certain waste storage facilities like this at that meeting. She could speak to the permitting process and compliance aspect.

Site location was based off of planning from the farmer and what met state requirements through codes. Sometimes what would be most convenient for the farmer didn't necessarily meet engineering siting requirements through DNRs requirements so they had to look at other sites.

**Motion made by Supervisor Dantinne, seconded by Supervisor Kaster to suspend the rules to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY**

Kurt Voss – 3585 Beachmont Rd.

Voss wasn't an expert and spoke to Heidi from the DNR, who was very helpful and he appreciated that. From his perspective, they were asking for leadership and not for anyone to kick the can down the road. What he saw was a lot of people trying to do the right thing based on self-imposed limits that they had but there was a jurisdictional issue. They had the DNR trying to enforce something with a farmer who hadn't been living up to his duties going on for 3-years and the only place on his property that he could do this on, because of the bedrock, was immediately adjacent to a brand new subdivision that just went in. The EPA was involved and they had a checklist of things that they wanted to get accomplished. The farmer had a business to run, which he understood and it was the last thing he wanted to do was put him out of business but the point was, all these entities were working independent of each other, limited by what they perceived they could and couldn't do. He believed the County Board ran the county at least indirectly and preceded over that land being granted for residential use, Dantinne interjected that it was Ledgeview. Voss informed he left Ledgeview out of the mix as their hands were tied supposedly and couldn't do anything. As property owners

that had literally millions of dollars of real estate in this area, they didn't want 15 million gallons of manure, 365 days adjacent to their property. Someone had to step up and provide some leadership, not hand it off to staff. He felt it was nothing more than a formality. This wasn't the first time this had happened, nor will be the last time. The urban sprawl was going to continue to happen and it was a tough one. He was encouraging the board to not be victimized by being in a tough spot but be empowered to do something about it and find a creative solution. He informed he had a call into the property owner and was hopeful they could work something out. He felt at the end of the day, the board in conjunction with the DNR and anyone who had some aspect of authority, he would encourage them to get together and figure something that could work.

Judy Trembl – 1415 Bingham Dr., De Pere

Trembl informed she was a new resident in the Town of Ledgeview from Kewaunee County, where her husband's family used to own an 8 acre non-working farm. When they moved to Kewaunee there were 2-concentrated animal feeding operations (CAFO), 10-years later there were 6. They were surrounded by manure pits on 3-sides.

When she moved to Brown County she called retired County Conservationist Bill Hafs and asked his opinion of a property she was looking to buy in Ledgeview. She was prepared to make an offer until she sat in the living room and saw a building in the back field. She was told the Pansier farm was likely going to expand, they hadn't started the process but Hafs knew the intent back in 2010. The facility that the proposed manure pit was being sited on was a facility that Pansier had been using for the last 10+ years as a satellite farm.

What was once used to house heifers now had a feed storage site. When it rained the feed drained leachate into the area surrounding it. As far as she knew it was polluting a tributary, a wetland that was adjacent to the property that these homeowners were living in. She was under the impression that the DNR and EPA was working with this farm come into compliance. Her biggest concern, she went to talk to the Town of Ledgeview today, she talked to the county last week and she had a call into the DNR, not a single entity knew how many cows were at that farm but that it was under 1,000. She could get that because she knew it didn't have a WPDES permit. How were they going to ensure this community that they were going to do well for them when it came to this manure pit? This state had uniform rules on storage facilities sited on farms. When you hear my hands are tied and you hear they had a permitting process that literally was a form letter where they changed the name of the farm, check the boxes and did not take into consideration the 28 CAFOs in Brown County and the karst features in NE Wisconsin. That's what Door, Kewaunee, and Brown County live on. There had been so much research in the last 10 years minimally about these facilities, the manure pits and the problems associated. When she lived in Kewaunee County, they had a brand new manure pit that was constructed almost identically to what's being proposed, according to state standards for the area, and had the side blow out within 3-years run millions of gallons of manure into the headwaters of a creek that went to Lake Michigan and the DNR scrambled for days to pump water out of the creek to prevent it from reaching the lake. Uniform standards in the state she realized were outside of the county's control, outside of the towns control but they weren't outside the DNRs control. The DNR had options when it came to siting these farms when they chose to site them. They could do an environmental impact assessment or study on the area. They could do more than what they have done. She asked the county and the town for soil maps in and around the area where the proposed pit was going to go. She had not received any information that there was such a thing. There was a manure storage facility built in the center of the Town of Lincoln and it had polluted the area. The case went to federal court and a federal judge had decided that the farm would be responsible for monitoring the water that came off of that manure site. The opposition that this citizen group faced was not from the farm but the DNR, which they didn't expect as they are supposed to be looking out for everyone in the state and for the wetlands, groundwater, the tributaries that run into streams that run into lakes and rivers. They are more concerned about checking boxes and passing permits through in an adequate timeframe than the impacts if one of these manure storage sites will have on a community. If that manure pit went in place she will pray every day for the families of that subdivision, there was no way they will sell their homes, let their children go out to play especially on a beautiful sunny afternoon when the pit was being agitated or being put into it. She lived next to one in the exact same distance for 7-years before they said enough. They couldn't open their windows. She suffered from migraine and there were others that could speak to the health impacts. She asked that this committee and the Brown County Board get involved because these residents were taxpayers and deserved help.

Nick Kolanko – 3668 Beachmont Rd., De Pere

Kolanko was a physician with a background in academic medicine and healthcare administration. He was here on behalf of his wife and two young sons age 1 and 4. He voiced his concerns over the manure pit that was being proposed on the other side of the fence line of his backyard. When he first learned of the manure pit he immediately researched the public health aspect which he found staggering that the state had no consideration for with respect to where these pits were sited. These pits off gassed many hazardous and sometimes deadly gases that included hydrogen sulfide, methane, ammonia and carbon dioxide. All these gases can displace oxygen and cause immediate asphyxiation in the right concentration. Many of the gases are odorless and undetectable to the average person that might be in proximity. It can cause a wide variety of respiratory illnesses, burning of the mucus membranes, ears, nose, throat, lung disease, etc. and neurological impairments. There had been articles that had shown an association with an increase incidence of asthma as well as mental illness of people that live in proximity to these pits. The uniform conclusion from all of this research was that nobody can say what a safe distance was from these pits but children were particularly at risk.

In addition to the gases that were associated with these pits, there had been over 160 different pathogens between bacteria and different protozoan forms that were associated with manure. Some of those included E. coli O157:H7 which was the type you hear about with bad meat. It was a big concern, that it was completely unregulated. He realized that if this manure lagoon was built, his family must leave the home they just bought in May, the home they planned on living in for many years and he'll have to take personally a huge financial hit but for the safety of his children which always came first.

He read from an article that particularly scared him as a parent during his research on these pits. An article from Penn State in 2012 titled 'Beware of Toxic Gases From Manure Storages,' an incident was detailed after a farmer agitated his manure lagoon. Gases poured out of it and accumulated randomly right where his 2-year old sons ages 2 and 4 years old were riding their bikes in proximity to the pit. Both children were found unconscious and it took over 20 minutes to revive the 2-year old. The article warned to keep children well away from all hazardous operations because lower concentrations of toxic gases can have these serious effects on kids.

At the end of their block where there is a cul de sac and where his kids often ride bikes with their friends, it was directly in front of the house that will be approximately several hundred feet from the edge of where this pit was proposed; on their block alone they had 22 children. He asked how they could let their kids and their neighbors kids ride bikes, walk or even stand on this part of the street anymore. The answer was simply that they couldn't and that wasn't just as a father but as a physician and someone who was concerned about public health.

As he mentioned, he hadn't found an article that stated an absolute safe living distance from a manure lagoon, no one had conclusive data as far as how far these gases can go and who they will affect and how they will be affected. He asked that this lagoon not be placed so close to residential housing.

Lynn Utesch – E5173 Fourth Rd., Kewaunee

Utesch was asked to come speak by citizens of Brown County. He was a farmer in Kewaunee County and a co-founder of a citizen organization called Kewaunee Cares. Part of their mission of their organization was to help to protect the environment for the citizens in Kewaunee County. He personally had done water testing on the rivers and streams and he helped researchers from all over the country to do research on water and groundwater in Kewaunee County. It was nice that the doctor spoke about the air hazards but there were additional hazards to health which include MRSA, the antibiotic resistant bacteria that you can't kill with any types of antibiotics. Kewaunee County and all of their major rivers had antibiotic resistance, MRSA had been found in all 3-of their major rivers, it was also in the air. Johns Hopkins University did a study in Pennsylvania that showed that living in proximity to manure pits or to the spreading field increased the potential for someone to end up with MRSA.

They kept hearing that the committee can't do anything, citizens all over the State of Wisconsin, in town boards and counties had been doing something. The one thing that they didn't happen to mention was in regard to groundwater protection, a manure pit can leak 500 gallons per acre, per day according to

regulation. That was not holding anything out of the groundwater. All manure pits eventually will leak. Our standards were not set to protect human health or groundwater. Under the livestock siting law, they had taken away basically everything the towns and counties could do. They did miss one thing; the county had the ability to create an ordinance that will make it so that they will have a setback from a residence. Towns in West Kewaunee and the Town of Lincoln and Kewaunee County already did this, it makes it so they had protection for citizens and also made it so that the farmers know exactly what they had to meet for their siting. Also, Bayfield County had put in place an operational ordinance which made it so the county and the farmers had to show that they will be protecting of the environment and of the citizens health. So they did have options available even if DATCP and DNR will tell them that they can't. It took initiative on the part of the County Board and Town Boards.

Michael Tesar – 3505 Lime Kiln Rd., Green Bay

Tesar's home was approximately 100 yards east of the proposed pit. He's a registered professional engineer dealing with control systems in the State of Wisconsin. He helped industry come up with controls and monitoring systems for this type of an operation. This technology and this type of application was not unique to the farm industry, there were many industry solutions out there that he didn't believe were looked at or considered for this type of a process. He looked at this from a process standpoint; an industrial process standpoint was no different in his mind.

The site concerned Tesar when looking at it as a risk mitigation standpoint and a process safety standpoint. He didn't believe that process safety analysis was required by the DNR, the state or the EPA. The Federal Government typically required these types of documents be formed to justify design parameters for the site. He had been involved with major corporations industry where projects like this were initiated and the first thing these companies did was reach out to the jurisdictional entities and tell them what they planned on doing to get some idea of what will be required, to get some feedback initially on the project. He believed this was not the process that went on here. He questioned, this was a remote site and not manned site. Typically in industry there would be controlled systems on something like this to monitor levels and for changes in levels and maybe do mass bounce calculations on what was going in and possibly coming out and check for changes or rapid changes, greater changes that would indicate a potential leak or breach of the wall. The location of this was topographically there was quite a grade here being on the ledge and he was concerned about the emergency response times, he didn't think there was a safety plan, there would be no remote monitoring required to announce in the control in how they call the farm to tell them there had been a breach and to get down there. In a matter of 20 minutes the pit could be emptied and the stuff would be down in the neighborhood.

He would like to emphasize that there were options that the board and the county could do because it was in all of the regulations that he had read and that he had concerns with the risk mitigation part of this process.

Lee Adams – 611 Marble Rock Cir., Green Bay

Adams stated that both the county and DNR had expressed that as long as everything had been done within the standards that were currently written, there was nothing they could do about it. He questioned if there was any power on the county or DNRs behalf to look at other counties and other state standards to see how they compared. He suggested looking at when those standards were last written and to see if they should be readdressed in this situation.

He informed that he lived about a half mile from the proposed site. There was a brand new house just finished literally a couple hundred feet and common sense and logic would tell you that that's not something that should be or could be allowed.

Mark Forman – 608 Marble Rock Cir., Green Bay

Forman stated it seemed that in this situation the only way they would be able to effect any change was if Ledgeview and the Brown County Board changed the ordinance to have residential setback at some distance whether 10,000' or yards that would negate this ability to do this. If this went through they were not only going to destroy millions of dollars in residential real estate value, it will affect the tax base in Brown County because the entire Ledgeview community will be impacted by this, not just the people in the general proximity. People will not be able to sell their house and it will be a devastating economic impact. They had



the ability to change the specifications and the ordinances to make this go away. This farmer, from what he heard over time, had not been in compliance and had been violating EPA and ecological standards for a long period of time. While he had a certain amount of sympathy for the farmer, this area was going to continue unless they did not thing then it will stop development on the ledge.

**Motion made by Supervisor Sieber, seconded by Supervisor Erickson to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY**

Responding to comments or questions made, Sieber questioned the zoning. Assistant Corporation Counsel Gerbers informed that Brown County was unique in that a lot of counties do countywide zoning but in Brown County each individual municipality did their own zoning so Ledgeview zoned the residential and agricultural.

Sieber questioned if there were soil maps online, Mushinski informed that they could be located online, on the Brown County GIS System.

Sieber informed health inspections weren't typically done for manure pits, as far as obnoxious odors, etc.

Sieber thanked the DNR for being in attendance. The current 250' setback hadn't been an issue in the past, the committee issued a lot of variances however they were to put the pits right on a property line and not next to a home and neighbors had always signed off on them. Mushinski believed that most of those variances had been approved by neighbors but most met the setbacks. Sieber assumed the 250' setback was county ordinance. Mushinski informed it was generally based off the well setbacks. Schmitt Marquez stated it was both county and state, private wells for DNR was also 250'. Gerbers informed the county ordinance was almost identical to state law. Sieber questioned if they were instances where they were allowed to exceed the state? Gerbers believed they could change the ordinance to be more restrictive in some areas and setbacks may be one, it was an area they could very easily look at and see what other counties were doing and what was acceptable. Sieber felt they should review the ordinance based on the county's growing urban population. It was a sticky situation, the farmer had been there but on the other hand the manure pit hadn't. Van Dyck believed Ledgeview had a 300' setback under their jurisdiction and could enforce it.

Landwehr stated he was sensitive to this topic, he lived this scenario most of his life as he grew up on a farm out in the country in West De Pere. He went to college, lived in town for a number of years and then built a house back in some wooded property which was part of a farm. Their distance wise from the manure pit was probably a lot closer than what most of the residents would be. At times it stunk but it had not hurt their property value one bit. There was a home that would easily fit on the Fox River that sat between their home and the pit and it had been sold for very high dollar amounts and they had other people approaching them to buy that home. He was very happy to hear the comment about having a call into the farmer. It bothered him when people move out to the county and immediately expect not to have to deal with country issues. He would ask that rather stick a lot of money into attorneys, which may not go very far but reach out to the farmer and see if they can't come to some conclusion that was livable for everyone. He felt in the long run they will be a lot happier if they did. With regard to the health of children, obviously they didn't want anyone getting in or near (in very close proximity) that pit, however he knew there were a lot of articles over a lot of years talking about trying to figure out why farm kids tend to be a lot healthier and have a lot fewer allergies than the average. No one likes change or the potential threat but don't let this think this will ruin their neighborhood. It may stink at times but it wasn't the end of the road for Ledgeview.

Questions were raised with regard to putting a moratorium on the pit until they reviewed the ordinance; Gerbers responded that he hadn't looked to see that exact issue and could provide an answer soon. Erickson would be against a moratorium because that was too blanket, they were looking at a specific situation and they might have a half a dozen farmers come in that met the standards and would be holding them up. Mushinski informed there were some other applications coming forward that they would have to act on within 30 days. Dantine didn't feel 30 days was that long to hold to get information.

**Motion made by Supervisor Sieber, seconded by Supervisor Erickson to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Motion made by Supervisor Erickson and seconded by Supervisor Dantine to direct Corporation Counsel to create a resolution by the County Board supporting landowners near the proposed manure pit opposing its current construction and have ready for Executive Committee and the next County Board in order to send to the DNR. Motion withdrawn.**

Sieber responded there wasn't an application in; he suggested that if Erickson and Van Dyck wanted to get together and draft a resolution, once an application was in, it would then be proper to submit. Erickson withdrew his motion provided Mushinski notified him of if and when an application came in.

**Motion made by Supervisor Sieber to review county ordinance relating to the setbacks for a waste storage facility next to a zoned residential area with possible moratorium following pending legal advice. No second.**

**Motion made by Supervisor Sieber, seconded by Supervisor Landwehr to review county ordinance relating to the setbacks for a waste storage facility next to a zoned residential area and talk with the Health Department to see if they could come up with any data on what a safe distance for residential neighborhoods and see what other counties and states do within their ordinances with regard to how far their setbacks are. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Land Conservation Department**

**2. Open Positions Report.**

**Motion made by Supervisor Sieber, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**3. Budget Status Financial Report for June 2017.**

Mushinski informed that financially things were in good shape for the department.

**Motion made by Supervisor Erickson, seconded by Supervisor Landwehr to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**4. Directors Report:**

**a) 9 Key Element Planning.**

Mushinski informed they were working with Outagamie County on this. Once they got these plans done, they could apply for federal funding. Plum Kankapot was done, upper East had been done for a couple years and they were in the process of getting funding for that. The next one they were doing was the lower East and was starting this year. Bower Creek will be after.

**Motion made by Supervisor Erickson, seconded by Supervisor Landwehr to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**b) Plum and Kankapot Watershed Update.**

Agronomist Technician Nick Peltier presented a PowerPoint in which he spoke to and answering questions.

**Motion made by Supervisor Sieber, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Other**

**5. Such Other Matters as Authorized by Law.**

**6. Adjourn.**

**Motion made by Supervisor Landwehr, seconded by Supervisor Kaster to adjourn at 7:56 p.m. Vote Taken. MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted, Alicia A. Loehlein, Recording Secretary

1-Aug-17

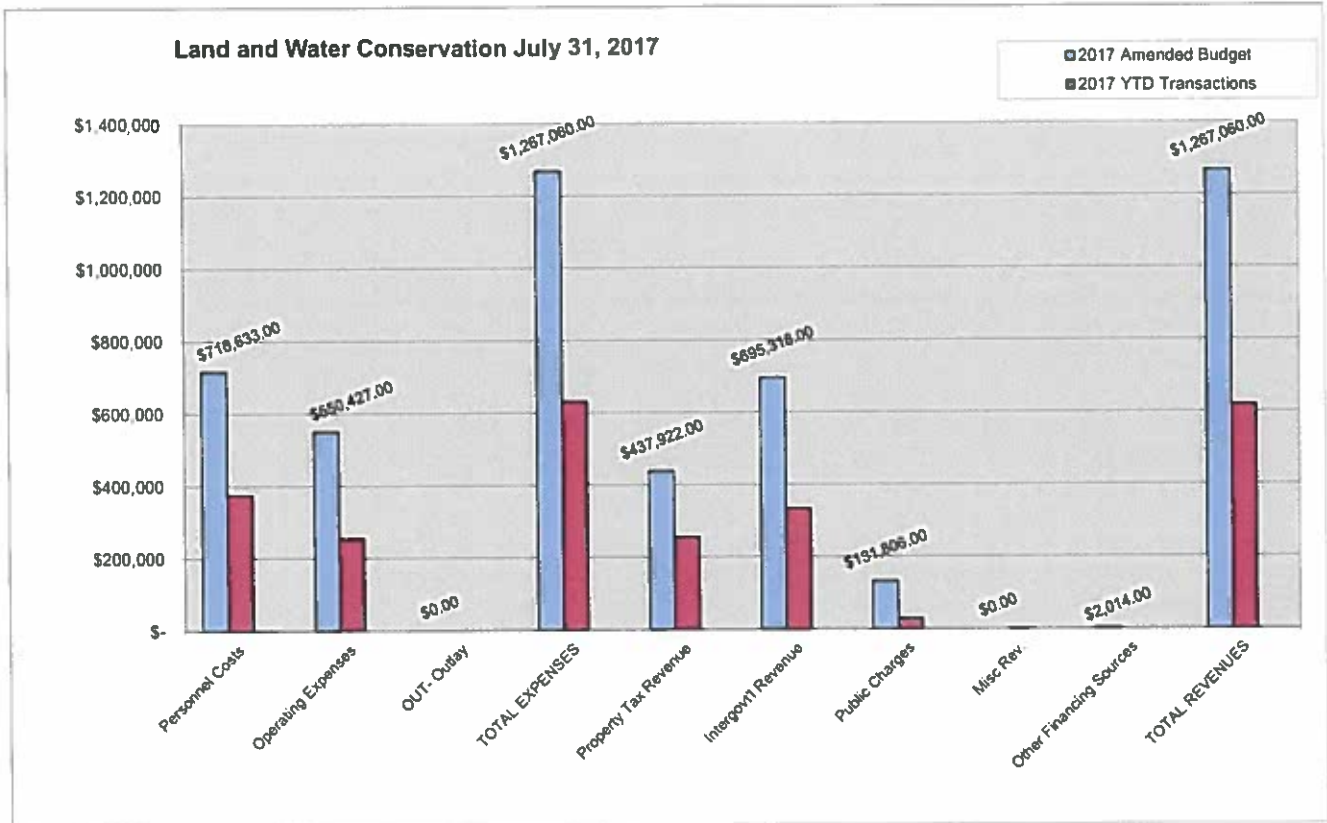
Departmental Openings Summary  
To: Land Conservation Committee  
From: Land & Water Conservation Department

Position	Vacancy Date	Reason for Leaving	Fill or Hold	Unfilled Reason
Agronomist	Current	N/A	Hold	Funding

Ex: Transfer, Wage, Working Conditions

**Brown County Land & Water Conservation  
Budget Status Report (unaudited)  
July 31, 2017**

	<u>2017 Amended Budget</u>	<u>2017 YTD Transactions</u>		<u>2016 Amended Budget</u>	<u>2016 YTD Transactions</u>
Personnel Costs	\$716,633.00	\$375,582.91	Personnel Costs	\$697,153.00	\$379,528.75
Operating Expenses	\$550,427.00	\$254,831.90	Operating Expenses	\$512,278.00	\$106,246.26
OUT- Outlay	\$0.00	\$0.00	OUT- Outlay	\$0.00	\$0.00
<b>TOTAL EXPENSES</b>	<b>\$1,267,060.00</b>	<b>\$630,414.81</b>	<b>TOTAL EXPENSES</b>	<b>\$1,209,431.00</b>	<b>\$485,775.01</b>
Property Tax Revenue	\$437,922.00	\$255,454.50	Property Tax Revenue	\$424,228.00	\$247,466.31
Intergov't Revenue	\$695,318.00	\$334,214.87	Intergov't Revenue	\$643,984.00	\$168,162.41
Public Charges	\$131,806.00	\$29,032.85	Public Charges	\$132,760.00	\$24,813.82
Misc Rev.	\$0.00	\$350.62	Misc Rev.	\$0.00	\$196.81
Other Financing Sources	\$2,014.00	\$0.00	Other Financing Sources	\$8,459.00	\$0.00
<b>TOTAL REVENUES</b>	<b>\$1,267,060.00</b>	<b>\$619,052.84</b>	<b>TOTAL REVENUES</b>	<b>\$1,209,431.00</b>	<b>\$440,639.35</b>



**AN ORDINANCE AMENDING SUBSECTION 26.11(4) OF CHAPTER 26 OF  
THE BROWN COUNTY CODE OF ORDINANCES**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

**Section 1** - Subsection 26.11(4) of Section 26.11 (entitled "Standards and Specifications") of Chapter 26 of the Brown County Code of Ordinances is hereby amended as follows:

(4) Animal Waste Storage Facilities Separation Requirements. All new animal waste storage facilities shall be sited a minimum of ~~250~~ 350 feet from adjacent properties or public road right-of-way, 300 feet from any lake or perennial stream (as defined by USGS quadrangle maps), and at least 3 vertical feet from groundwater. Reception pits as part of the animal feedlot or buildings with under-floor storage shall be sited a minimum of 100 feet from adjacent properties.

**Section 2** - This Ordinance Amendment shall become effective upon passage and publication pursuant to law.

Respectfully submitted,

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Land Conservation Subcommittee  
Planning, Development, and Transportation Committee

Approved By:

\_\_\_\_\_  
COUNTY EXECUTIVE (Date)

\_\_\_\_\_  
COUNTY CLERK (Date)

\_\_\_\_\_  
COUNTY BOARD CHAIR (Date)

Authored by: Corporation Counsel at Request of Michael L. Mushinski, County Conservationist, Land and Water Conservation Department

Final Draft: This document was drafted, reviewed and approved by Corp Counsel.

Fiscal Impact: This ordinance does not require an appropriation from the General Fund.

BOARD OF SUPERVISORS ROLL CALL # \_\_\_\_\_

Motion made by Supervisor \_\_\_\_\_

Seconded by Supervisor \_\_\_\_\_

SUPERVISOR NAMES	DIST #	AYES	NAYS	ABSTAIN
SIEBER	1			
DE WANE	2			
NICHOLSON	3			
HOYER	4			
GRUSZYNSKI	5			
LEFEBVRE	6			
ERICKSON	7			
ZIMA	8			
EVANS	9			
VANDER LEEST	10			
BUCKLEY	11			
LANDWEHR	12			
DANTINNE, JR	13			

SUPERVISOR NAMES	DIST #	AYES	NAYS	ABSTAIN
BRUSKY	14			
BALLARD	15			
KASTER	16			
VAN DYCK	17			
LINSSEN	18			
KNEISZEL	19			
CLANCY	20			
CAMPBELL	21			
MOYNIHAN, JR	22			
BLOM	23			
SCHADEWALD	24			
LUND	25			
BECKER	26			

Total Votes Cast \_\_\_\_\_

Motion: Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Tabled \_\_\_\_\_

LAND AND WATER CONSERVATION

Brown County

1150 BELLEVUE ST.  
GREEN BAY, WI 54302

MIKE MUSHINSKI

PHONE (920) 391-4620 FAX (920) 391-4632 WEB: www.co.brown.wi.us

COUNTY CONSERVATIONIST

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: August 17, 2017  
REQUEST TO: Land Conservation Committee and  
Planning, Development and Transportation Committee (PD&T)  
MEETING DATE: August 28, 2017 and  
August 28, 2017  
REQUEST FROM: Michael L. Mushinski  
County Conservationist, Land and Water Conservation Department  
REQUEST TYPE:  New resolution  Revision to resolution  
 New ordinance  Revision to ordinance

TITLE: AN ORDINANCE AMENDING SUBSECTION 26.11(4) OF CHAPTER 26 OF THE BROWN COUNTY CODE OF ORDINANCES

ISSUE/BACKGROUND INFORMATION:

It is desired to increase the setback requirements for Manure Storage Facilities.

ACTION REQUESTED:

Land Conservation Committee, PD&T Committee, and County Board approval.

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

- 1. Is there a fiscal impact?  Yes  No
  - a. If yes, what is the amount of the impact? \$ \_\_\_\_\_
  - b. If part of a bigger project, what is the total amount of the project? \$ \_\_\_\_\_
  - c. Is it currently budgeted?  Yes  No
    - 1. If yes, in which account? \_\_\_\_\_
    - 2. If no, how will the impact be funded? \_\_\_\_\_

COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

